

Fight over boulder known as Indian Head Rock is escalating.

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Portsmouth, Ohio (AP)

Officials in Kentucky are hauling the mayor of Portsmouth into court in their effort to get back the rock, which an Ohio historian and a team of divers pulled from the Ohio River.

The river is mostly under Kentucky jurisdiction. The prosecutor in Greenup County, Ky., has issued a subpoena for Portsmouth Mayor Jim Kalb to testify before a grand jury in March as a material witness in the removal of the boulder, which is being stored in a city-owned service garage.

"We have the Antiquities Act here in Kentucky, that involves things that are registered under that act through the University of Kentucky," said Greenup County Prosecuting Attorney Cliff Duvall. "It's a Class D felony, and in Kentucky, that carries one to five years. That charge will probably be the most applicable. There isn't any monetary value that anybody could put on it."

Kalb said he wasn't surprised when he received the subpoena.

"I got a call from my office a couple of days ago, saying that a member of the Scioto County sheriff's office was there to serve me with a subpoena," Kalb said. "I kind of suspected that it would be over the rock."

Kentucky State Rep. Reginald Meeks, D-Louisville, a member of the state's Native American Heritage Commission, is sponsoring a resolution in the Kentucky General Assembly condemning the removal of the rock and demanding that it be returned to Kentucky.

"We're going to use all legal means to get them to return it to its rightful place in the commonwealth," he said in January.

Not much is known about the origin of Indian Head Rock, which has a crude carving of a face and another of a house, along with the names of several early settlers.

Some say it was a navigational marker. Its existence was known locally during the late 1800s and early 1900s, when it appeared once in a while when the river was low.

Historian Steve Shaffer of Ironton, who headed a team that retrieved the rock in September, said it had been submerged since at least 1920, before a system of dams kept the Ohio River at a relatively constant level.

He said there are five main theories about how a face was carved on the rock.

"One is that in 1851, messages were placed on the rock, likely by early pioneers to mark the low-water mark," Shaffer said.

"The second is that a quarry man carved it with a metal tool. Theory No. 3 is that a band of robbers used it as a marker when they buried their loot nearby. The fourth theory is that it was carved by Native Americans, and that theory began in an account in the 1891 edition of the Portsmouth newspaper. And the fifth theory is about 100-years-old. It says a boy named John Book, a prominent member of Scioto County society who was killed in the Civil War, carved it."

Kalb says he won't back down to Kentucky's demands.

"The rock belongs in Portsmouth. It's a logical place for it," Kalb said. "This is not a case of Kentucky wanting to display it, it's a case of them not wanting Portsmouth or Ohio to have it.

"This is an important part of Portsmouth history, and if the rock is on display, it will be for both sides of the river to enjoy. If it's Kentucky's intent to put the rock back in the river, that should be a crime in itself."